

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

TELEPHONE: (303) 740-1980

INTELLECTUAL PROPERTY LAW  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

FACSIMILE: (303) 740-6962

RECEIVED  
CENTRAL FAX CENTER

AUG 20 2008

**FACSIMILE COVER SHEET**Deliver to: Juan A. Torres, USPTOArt Group: 2611

Facsimile No.: (571) 273-8300

Date: August 20, 2008

From: Brent E. Vecchia, Reg. No. 48,011

Our Docket No.: 42P11621C

Number of pages 19 including this sheet.

Application No.: 10/759,634

Filing Date: 1/16/2004.

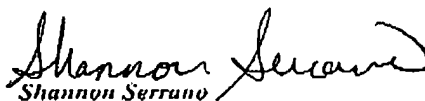
Docket Due Date(s): 8/20/2008

Enclosed are the following documents:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Amendment: Response ( 15 pgs)  | <input type="checkbox"/> Issue Fee Transmittal                                    |
| <input type="checkbox"/> Appeal Brief ( pgs)                       | <input type="checkbox"/> Notice of Appeal (in duplicate)                          |
| <input type="checkbox"/> Application: ( pgs) w/cover & abstract)   | <input type="checkbox"/> Petition for:  |
| <input type="checkbox"/> Assignment & Cover Sheet ( pgs)           | <input type="checkbox"/> Request for Continued Examination (RCE) (in duplicate)   |
| <input checked="" type="checkbox"/> Certificate of Facsimile       | <input type="checkbox"/> Reply Brief ( pgs)                                       |
| <input type="checkbox"/> Continued Prosecution Application (CPA)   | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)     |
| <input type="checkbox"/> Declaration & POA ( pgs)                  | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request       |
| <input type="checkbox"/> Drawings: sheets, figures                 | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time:                        | <input type="checkbox"/> Response to Written Opinion ( pgs)                       |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Terminal Disclaimer                                      |
| <input type="checkbox"/> IDS & PTO/SB/08 ( pgs)                    | <input type="checkbox"/> Transmittal of Publication Fee Due                       |
| <input type="checkbox"/> Other:                                    | <input checked="" type="checkbox"/> Transmittal Letter                            |

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

  
Shannon Serrano

8/20/2008

Date

**Confidentiality Note:** The documents accompanying this facsimile transmission contain information from the law firm of Blakely, Sokoloff, Taylor & Zafman which is confidential or privileged. The information is intended to be for the use of the individual or entity named on this transmission sheet. If you are not the intended recipient, be aware that any disclosure, copying, distribution or use of the contents of this faxed information is prohibited. If you have received this facsimile in error, please notify us by telephone immediately so that we can arrange for the retrieval of the original documents at no cost to you.

If you do not receive all the pages, or if there is any difficulty in receiving, please call: (303) 740-1980 and ask for Shannon Serrano.

RECEIVED  
CENTRAL FAX CENTER

AUG 20 2008

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	10/759,634
		Filing Date	January 16, 2004
		First Named Inventor	Daniel Richard Monroe
		Art Unit	2611
		Examiner Name	Juan A. Torres
Total Number of Pages in This Submission	19	Attorney Docket Number	42P11621C

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below). <div style="border: 1px solid black; padding: 5px; min-height: 50px;">Facsimile Coversheet</div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	<i>Brent E. Vecchia</i>
Date	August 20, 2008

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile on the date shown below to the United States Patent and Trademark Office.			
Typed or printed name	Shannon Serrano		
Signature	<i>Shannon Serrano</i>	Date	August 20, 2008

Based on PTO/SB/21 (10-07) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 10/05/2007.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

AUG 20 2008

**FEE TRANSMITTAL  
for FY 2007**

Patent fees are subject to annual revision

☐ Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

0.00

**Complete if Known**

Application Number 10/759,634  
 Filing Date January 16, 2004  
 First Named Inventor Daniel Richard Monroe  
 Examiner Name Juan A. Torres  
 Art Unit 2611  
 Attorney Docket No. 42P11621C

**METHOD OF PAYMENT (check all that apply)**
☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☒ Credit any overpayments☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.**FEE CALCULATION****1. EXTRA CLAIM FEES**

		Extra Claims	Fee from below	Fee Paid
Total Claims	37	41*	0	50.00
Independent Claims	5	6*	0	210.00
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	50	2202	25	Claims in excess of 20
1201	210	2201	105	Independent claims in excess of 3
1203	370	2203	185	Multiple Dependent claims, if not paid
1204	810	2204	405	**Reissue independent claims over original patent
1205	810	2205	405	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1)

(\$)

0.00

**2. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	400	2252	230	Extension for reply within second month	
1253	1,050	2253	525	Extension for reply within third month	
1254	1,640	2254	820	Extension for reply within fourth month	
1255	2,230	2255	1,115	Extension for reply within fifth month	
1401	510	2401	255	Notice of Appeal	
1402	510	2402	255	Filing a brief in support of an appeal	
1403	1,030	2403	515	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
1809	810	1809	405	Filing a submission after final rejection (37 CFR § 1.120(a))	
1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.120(b))	

Other fees (specify)

SUBTOTAL (2)

(\$)

**SUBMITTED BY****Complete (if applicable)**

Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011	Telephone	(303) 740-1980
Signature	<i>Brent E. Vecchia</i>	Date	08/20/08		

Based on PTO/GB/17 (02-07) as modified by Blakely, Sokoloff, Taylor & Zafman (vtr) 02/25/2007.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

AUG 20 2008

*Potential fees are subject to annual revision*

☐ Applicant claims small entity status. See 37 CFR 1.27.

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b>	<b>0.00</b>
--------------------------------	-------------	-------------

**Complete if Known**

Application Number	10/759,634
Filing Date	January 16, 2004
First Named Inventor	Daniel Richard Monroe
Examiner Name	Juan A. Torres
Art Unit	2611
Attorney Docket No.	42P11621C

**METHOD OF PAYMENT** (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☒ None ☐ Other (please identify):

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☒ Credit any overpayments☐ Charge fee(s) indicated below, except for the filing fee

☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.

### FEE CALCULATION

### 1. EXTRA CLAIM FEES

	Extra Claims	Factor from below	Fee Paid
Total Claims	37	41*	0
Independent Claims	5	6*	0
Multiple Dependent			

Large Entity	Small Entity
<p>1. <b>Identify the entity</b></p> <p>2. <b>Identify the entity's assets, liabilities, and equity</b></p> <p>3. <b>Identify the entity's income, expenses, and net income</b></p> <p>4. <b>Identify the entity's cash, receivables, and payables</b></p> <p>5. <b>Identify the entity's fixed assets, intangible assets, and other assets</b></p> <p>6. <b>Identify the entity's long-term liabilities and other liabilities</b></p> <p>7. <b>Identify the entity's equity components</b></p> <p>8. <b>Identify the entity's accounting policies</b></p> <p>9. <b>Identify the entity's accounting estimates</b></p> <p>10. <b>Identify the entity's accounting errors</b></p>	<p>1. <b>Identify the entity</b></p> <p>2. <b>Identify the entity's assets, liabilities, and equity</b></p> <p>3. <b>Identify the entity's income, expenses, and net income</b></p> <p>4. <b>Identify the entity's cash, receivables, and payables</b></p> <p>5. <b>Identify the entity's fixed assets, intangible assets, and other assets</b></p> <p>6. <b>Identify the entity's long-term liabilities and other liabilities</b></p> <p>7. <b>Identify the entity's equity components</b></p> <p>8. <b>Identify the entity's accounting policies</b></p> <p>9. <b>Identify the entity's accounting estimates</b></p> <p>10. <b>Identify the entity's accounting errors</b></p>

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	50	2202	25	Claims in excess of 20
1201	210	2201	105	Independent claims in excess of 3
1203	370	2203	185	Multiple Dependent claim, if not paid
1204	810	2204	405	**Reissue independent claims over original patent
1205	810	2205	405	**Reissue claims in excess of 20 and over original patent

*\*\*or number previously paid, if greater. For Reissues, see below*

SUBTOTAL (1)	(\$)	0.00
--------------	------	------

## 2. ADDITIONAL FEES

	Large Entity	Small Entity
1. <b>Revenue Recognition</b>	Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer.	Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer.
2. <b>Expense Recognition</b>	Expenses are recognized when the related asset is consumed or the liability is incurred.	Expenses are recognized when the related asset is consumed or the liability is incurred.
3. <b>Asset Recognition</b>	Assets are recognized when the company has control over a resource that is expected to generate future economic benefits.	Assets are recognized when the company has control over a resource that is expected to generate future economic benefits.
4. <b>Liability Recognition</b>	Liabilities are recognized when the company has a present obligation to transfer an asset or provide a service in the future.	Liabilities are recognized when the company has a present obligation to transfer an asset or provide a service in the future.
5. <b>Equity Recognition</b>	Equity is recognized as the residual interest in the assets of the company after deducting all liabilities.	Equity is recognized as the residual interest in the assets of the company after deducting all liabilities.

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1051	130	2051	65	Surcharge - late filing fee or oath
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet
2053	130	2053	130	Non-English specification
1291	120	2251	60	Extension for reply within first month
1292	480	2252	230	Extension for reply within second month
1293	1,050	2253	525	Extension for reply within third month
1294	1,540	2254	820	Extension for reply within fourth month
1295	2,230	2255	1,115	Extension for reply within fifth month
1401	510	2401	255	Notice of Appeal
1402	510	2402	255	Filing a brief in support of an appeal
1403	1,030	2403	515	Request for oral hearing
1491	1,010	2451	1,510	Petition to institute a public use proceeding
1460	130	2460	130	Petitions to the Commissioner
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)
1806	180	1806	180	Submission of Information Disclosure Stmt.
1809	810	1809	405	Filing a submission after final rejection (37 CFR § 1.129(a))
1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.129(b))

Other tree (specify) \_\_\_\_\_

SUBTOTAL (2)

**Fee Paid**

## SUBMITTED BY

Name (Print/Type)	Brent E. Vecchia
-------------------	------------------

Registration No.  
(Attorney/Agent)

**48,011**

Telephone

(303) 740-1980

Signature	Kent E. Vecchie
-----------	-----------------

Date \_\_\_\_\_

08/20/08

Based on PTO/SB/17 (02-07) as modified by Blakey, Sokoloff, Taylor & Zpfman (wtr) 02/26/2007.  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22312-1450

RECEIVED  
CENTRAL FAX CENTER

AUG 20 2008

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	: 10/759,634	Confirmation No.	: 1217
1 <sup>st</sup> Named Inventor	: Daniel Richard Monroe	Art Unit	: 2611
Filed	: January 16, 2004	Examiner	: Torres, Juan A.
Docket No.	: 42P11621C	Customer No.	: 7590

## RESPONSE TO OFFICE ACTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

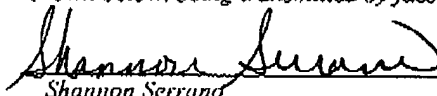
Sir:

In response to the Office Action mailed May 20, 2008, the Applicants respectfully request that the Examiner enter the following amendments and consider the following remarks.

---

**CERTIFICATE OF TRANSMISSION (37 CFR 1.84)**

*I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the Patent and Trademark Office.*

  
Shannon Serrano

Date

App. No. 10/759,634  
BEV/srs

- 1 -

Dkt. No. 42P11621C